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Subject: Electronic Fund Transfer

Date: Oct 07, 2005

Proposal: Regulation E - Electronic Fund Transfers
Document ID: R-1234
Document Version: 1
Release Date: 08/19/2005
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Comments:

The Board's latest attempt to rewrite its regulations should be abandoned for all the reasons stated in my previous letter to the Board. The Board's contemporaneous regulation implemented the statute as written by Congress and the Official Staff commentary that was passed contemporaneously with the legislation also absolutely correctly implements the statute. The overwhelming majority of ATMS currently comply with the statute and the original rule. The Board's new rule will encourage those ATM operators to change and instead state that a fee "may be charged" which informs consumers of absolutely nothing and thus violates the clear intent of the statute. The Board's process has been fundamentally flawed from the start as discussed in my previous letter.